

REMARKS/ARGUMENTS

Claims 1-52 have been rejected under 35 USC 103(a) as being unpatentable over Kitsukawa in view of Ramasawamy. Reconsideration and withdrawal of this rejection are respectfully requested in view of the claim modifications made herein and in light of the following remarks.

It is noted that the Examiner says that "misnumbered claim 50 to 52 have been renumbered 50-51." This is not entirely correct. The original set of claims were numbered 1-50, 52 and 53. Claim 51 was inadvertently skipped. Therefore, the actual renumbering of the claims is that originally-filed claims 52 and 53 have been renumbered as claims 51 and 52.

Claims 33, 34 and 52 have been canceled, without prejudice. Independent claims 1, 17, 35 and 36 have been amended. Dependent claims 12, 28 and 47 have also been canceled, but the subject matter thereof has been incorporated into independent claims 1, 17, 35 and 36.

The present invention makes it possible for individual members of an audience tuned to a broadcast program to readily and interactively obtain supplementary, program-related materials. Turning now to claim 1, as amended herein, it includes a feature which is highly advantageous to advertisers because it makes it possible for advertisers to customize the supplementary material provided to a viewer based on the profile of the individual who is actually making the request. Details of this technique can be found in the specification as, for example, beginning on page 20, line 15. As is explained there, "different rewards may be appropriate depending on whether the participant making the request interactively is an adult or a child, a male or a female, an English

speaker or a Spanish speaker, on the east coast or the west coast, a smoker or a non-smoker, and so on. Moreover, even though a reward is offered in the program being broadcast, it may be desirable to block its availability to certain participants, e.g., cigarette coupons for children".

Claim 1 now specifies that the invention obtains identification data from those individuals who are audience members for a particular program. More specifically, claim 1 recites that "said step of enabling access to the supplementary material corresponding to said supplementary material signal is based on the detected identification data of the audience member...".

Kitsukawa is directed to a technique for making advertisement information available in conjunction with a television program. However, the identification of the audience members is not at all relevant to the objects sought to be attained by Kitsukawa nor the techniques that are disclosed therein. Likewise, Ramasawamy is also completely silent with respect to deriving or in any way using information about the profile of audience members. Aside from this, there is not even a hint in either of these references which customizes the type of supplementary material made available to a viewer depending on that viewer's profile. Accordingly, it is respectfully submitted that claim 1 is clearly and patentably distinguishable over the applied references when used singly or in combination.

Distinguishing features described above with respect to claim 1 can also be found in independent claims 17, 35 and 36. Accordingly, these claims are allowable as well.

Each of claims 2-11 and 13-16 is dependent on allowable claim 1 and, thus, is allowable therewith. Moreover, these claims include features which serve to further distinguish the present invention over the applied references. For example, claim 16 recites the feature of "producing an audience survey based on the detected identification data of the audience member who actuated the control signal and the supplementary material signal associated with said programming signal being performed when the control signal was actuated." This feature is described in the specification beginning on page 23, line 18. Nothing even remotely hinting at this feature can be found in either of the applied references. Thus, all of these dependent claims are clearly allowable.

Dependent claims 18-27 and 29-32 depend from allowable claim 17. Dependent claims 37-46 and 48-51 depend from allowable claim 36. Thus, these claims are allowable as well. Moreover, dependent claims 32 and 51 include the surveying feature discussed above with respect to claim 16.

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Respectfully submitted,  
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